

*2*  
*Amend*  
stringent conditions to the complement of the nucleic acid comprising nucleotides from about 40 to about 1011 of Figure 2 (SEQ ID NO: 2).

5. (Amended) An isolated nucleic acid molecule comprising [DNA having at least an 80% sequence identity to] (a) a DNA molecule encoding the same mature polypeptide encoded by the cDNA in ATCC Deposit No. 203134 (DNA 77568-1626), or (b) the complement of the DNA molecule of (a).

*3*  
*Amend*  
7. (Amended) An isolated nucleic acid molecule comprising (a) DNA encoding a polypeptide having at least an 80% sequence identity to the sequence of amino acid residues from about 1 to about 323 of Figure 1 (SEQ ID NO: 1), wherein said encoded polypeptide has at least one biologic activity of a native sequence UCP4 polypeptide consisting of amino acid residues 1 to 323 of Figure 1 (SEQ ID NO:1), or (b) the complement of the DNA of (a).

*Please add the following claims:*

*44.* The isolated nucleic acid of claim 7 wherein said encoded polypeptide has at least a 90% sequence identity to the sequence of amino acid residues from about 1 to about 323 of Figure 1 (SEQ ID NO:1).

*45.* The isolated nucleic acid of claim 7 wherein said encoded polypeptide has at least a 95% sequence identity to the sequence of amino acid residues from about 1 to about 323 of Figure 1 (SEQ ID NO:1).

*46.* The isolated nucleic acid of claim 7 wherein said biologic activity of the encoded polypeptide is increasing or decreasing metabolic rate in a mammalian cell.

#### REMARKS

In the Office Action, the Examiner issued a Restriction Requirement under 35 USC 121, requiring restriction of pending claims 1-43 to one of six groups (I-VI). Applicants hereby elect to prosecute the claims drawn to Group I in the present application. Claims 17-43 have been canceled without prejudice in the above amendment as being drawn to the non-